

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APR 17 2002

Receipt

In re Patent Application of

MAJOR et al

Atty. Ref.: 2370-81

Serial No. 09/973,198

Group:

Filed: October 10, 2001

Examiner:

For: USE OF NEURO-DERIVED FETAL CELL LINES FOR  
TRANSPLANTATION THERAPY

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\* \* \* \* \*

April 17, 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231

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TECH CENTER 1600/2900

Sir:

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Enclosed is a copy of the Filing Receipt for the above-identified application in which the assignee is incorrectly identified. Under the heading "Assignment For Published Patent Application," please change "Pro-Virus, Inc." to "**The United States of America as represented by the Department of Health and Human Services**". The correction is shown in red on the attached copy of the filing receipt. A corrected application cover sheet is also attached for entry into the case.

It is respectfully requested that the published application show **The United States of America as represented by the Department of Health and Human Services** as the assignee.

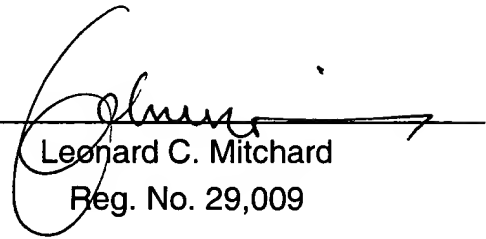
It is believed that no fee is required for this matter. However, should it be determined otherwise (it is believed that should not be the case), the Commissioner is authorized to charge our deposit account number 14-1140.

MAJOR et al  
Serial No. 09/973,198

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



Leonard C. Mitchard  
Reg. No. 29,009

LCM:lks  
1100 North Glebe Road, 8th Floor  
Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
Enclosure: Corrected official filing receipt



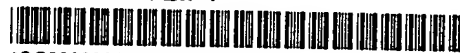
## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/973,198	10/10/2001	1651	0.00	2370-81	10	23	3

CONFIRMATION NO. 5423

## FILING RECEIPT



\*OC000000006969999\*

NIXON & VANDERHYE P.C.  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201



Date Mailed: 10/25/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Eugene O. Major, Oakton, VA;  
Carlo S. Tornatore, University Park, MD;  
Kris Bankiewicz, Walnut Creek, CA;

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## Assignment For Published Patent Application

Pro-Virus, Inc;

*The United States of America as represented by the  
Department of Health and Human Services*

## Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/426,126 10/25/1999  
WHICH IS A CON OF 08/779,661 01/07/1997 ABN  
WHICH IS A CON OF 08/459,136 06/02/1995 PAT 5,690,927  
WHICH IS A CON OF 08/046,527 04/13/1993 ABN

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## Foreign Applications

If Required, Foreign Filing License Granted 10/24/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**Title**

Use of neuro-derived fental cell lines for transplantation therapy

**Preliminary Class**

424

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER 37 C.F.R. 1.53(b)  
WITHOUT FILING FEE AND/OR WITHOUT EXECUTED INVENTOR'S DECLARATION

Assistant Commissioner for Patents  
Washington, DC 20231

Atty. Dkt. 2370-81

Date: October 10, 2001

Sir:

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This is a request for filing a new PATENT APPLICATION under Rule 53(b) entitled:

**USE OF NEURO-DERIVED FETAL CELL LINES FOR TRANSPLANTATION THERAPY**

without a filing fee and/or without an executed inventor's oath/declaration.

This application is made by the below identified inventor(s). Attached hereto are the following papers:

- ☐ Newly executed Declaration, ☒ Copy of Declaration from prior application, ☒ Abstract  
25 pages of specification and claims (including 23 numbered claims), and  
10 sheets of accompanying drawing/s.  
☐ Record the attached assignment and return to the undersigned.  
☐ Attached is a Power of Attorney.  
☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

**Application Number**

**Country**

**Day/Month/Year Filed**

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- , respectively, the entire content of which is hereby incorporated by reference in this application..
- ☐ Certified copy(ies) of foreign application(s) is/are attached.  
☐ Certified copy(ies) filed on \_\_\_\_\_ in prior application no. \_\_\_\_\_ filed \_\_\_\_\_  
☐ Please amend the specification by inserting the following paragraph before the first line: --This application claims the benefit of Provisional Application No. \_\_\_\_\_, filed \_\_\_\_\_, the entire content of which is hereby incorporated by reference in this application.--
- ☒ Please amend the specification by inserting the following paragraph before the first line: --This application is a ☒ continuation/☐ division/☐ continuation-in-part of Application No. 09/426,126, filed October 25, 1999, abandoned, which is a continuation of Serial No. 08/779,661, filed January 7, 1997, abandoned, which is a continuation of Serial No. 08/459,136, filed June 2, 1995, PAT 5,690,927, which is a continuation of Serial No. 08/046,527, filed April 13, 1993, abandoned, the entire content of which is hereby incorporated by reference in this application.--
- ☒ Petition filed in prior application to extend its life to insure co-pendency.  
☒ The prior application is assigned to The United States of America as represented by the Department of Health and Human Services.  
☒ It is hereby requested that the Examiner consider the art cited in the above parent application(s) by applicant and/or the Examiner for the reasons stated therein. A listing of that art is attached, but pursuant to Rule 98(d) copies are not required.  
☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.  
☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee:
- ☐ Also attached: ☐ Information Disclosure Statement; ☐ Non-Publication Request; ☐ Nucleotide and/or Amino Acid Sequence Submission; ☐ Statement deleting Inventor(s) named in prior application; ☐ Other:

1. Inventor: Eugene O. MAJOR USA`  
(first) MI (last) (citizenship)  
Residence: (city) \_\_\_\_\_ (state/country) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Zip Code) \_\_\_\_\_
2. Inventor: Carlo S. TORNATORE USA  
(first) MI (last) (citizenship)  
Residence: (city) \_\_\_\_\_ (state/country) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Zip Code) \_\_\_\_\_

☒ See attached sheet(s) for additional inventor(s) information!!

Address all future communications to NIXON & VANDERHYE P.C., 1100 North Glebe Road, 8<sup>th</sup> Floor, Arlington, VA 22201.

1100 North Glebe Road, 8<sup>th</sup> Floor  
Arlington, Virginia 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100  
LCM:lks

NIXON & VANDERHYE P.C.

By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: \_\_\_\_\_

566701

3. Inventor: Kris BANKIEWICZ USA  
(first) MI (last) (citizenship)  
Residence: (city) \_\_\_\_\_ (state/country) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Zip Code) \_\_\_\_\_
4. Inventor: \_\_\_\_\_  
(first) MI (last) (citizenship)  
Residence: (city) \_\_\_\_\_ (state/country) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Zip Code) \_\_\_\_\_
5. Inventor: \_\_\_\_\_  
(first) MI (last) (citizenship)  
Residence: (city) \_\_\_\_\_ (state/country) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Zip Code) \_\_\_\_\_
6. Inventor: \_\_\_\_\_  
(first) MI (last) (citizenship)  
Residence: (city) \_\_\_\_\_ (state/country) \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
(Zip Code) \_\_\_\_\_